

qrulepubliccomments

From: jsproat@qantas.com.au
Sent: Sunday, January 29, 2006 9:38 PM
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Subject: ATTN: Q Rule Comments

Attachments: Qantas Comments 27 Jan v2.doc



Qantas Comments
27 Jan v2.doc ...

To Whom it May Concern,

Please find attached Qantas' comments in response to the Department of Health and Human Services 42 CFR Parts 70 and 71 Control of Communicable Diseases; Proposed Rule.

Please be advised that Qantas has also mailed its comments in harcopy.

Should you have any queries please do not hesitate to contact myself or Trevor Long +61 2 9691 3632.

Many thanks
Regards

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(See attached file: Qantas Comments 27 Jan v2.doc)

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27 January 2006

Attn: Q Rule Comments
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By Email: qrulepubliccomments@cdc.gov

To Whom It May Concern:

Department of Health and Human Services: Control of Communicable Diseases;
Proposed Rule

42 CFR Parts 70 and 71

Qantas Airways Limited (Qantas) welcomes the opportunity to comment on this Notice of Proposed Rulemaking (NPRM).

Qantas is an Australian public company, listed on the Australian stock exchange, with its headquarters located in Sydney, Australia. Qantas has operated as a regular passenger airline for over 85 years. The company's main business is the transportation of passengers and airfreight.

The United States is one of the countries serviced by Qantas, an association that commenced over 50 years ago. Qantas operates 41 flights to the United States per week. These flights operate from Sydney, Melbourne, Brisbane and Auckland to Los Angeles, Honolulu and New York and from March this year, Qantas will also commence an additional three flights per week to San Francisco. In the fiscal year 2004-2005 Qantas carried in excess of 1,090,000 passengers on these routes.

Qantas is committed to offering its full support and cooperation to the United States Authorities in its efforts to respond more effectively to current and potential communicable disease threats. However prior to the adoption of this NPRM as a Final Rule, Qantas would like to offer the following comments for consideration:

1. PART 70 – INTERSTATE QUARANTINE

1.1 Section 70.1 Scope and Definition

- 1.1.1 Under point (ii) of the definition for *Interstate Traffic*, it states that *Interstate Traffic* does not include (A) “the movement of any carrier or the transportation of persons or property on an international voyage as defined in 42 CFR Part 71.”

42 CFR Part 71 defines *International Voyage* as “a voyage between ports or airports of more than one country, or a voyage between ports or airports of the same country if the ship or aircraft stopped in any other country on its voyage.”

Qantas operations to the United States include point to point flights eg. Sydney to Honolulu and flights that continue on to a second port within the United States eg. Sydney to Los Angeles and then New York. On the Sydney - Los Angeles - New York flight, a number of passengers travel only as far as Los Angeles, a number of passengers travel all the way through to New York and a number of passengers take an extended stopover in Los Angeles before continuing on the flight to New York at a later date.

Based on the NPRM definition of *Interstate Traffic* and *International Voyage*, Qantas interprets that its United States operations, including its Sydney - Los Angeles - New York flights, constitute *International Voyages* and therefore the NPRM requirements listed at Part 70 – Interstate Quarantine, do not apply. Qantas seeks confirmation that this interpretation of the NPRM is correct.

On the basis that this interpretation is correct, Qantas will make only limited comments on Part 70 – Interstate Quarantine, whilst the remainder of Qantas comments will be in relation to Part 71 – Foreign and Possession Quarantine and within Part 71, only to those sections specifically relevant to airlines.

- 1.1.2 Within the summary of the NPRM it states that Centers for Disease Control and Prevention (CDC)¹ is committed to protecting the health and safety of the American public by preventing the introduction of communicable disease into the United States. However, whilst foreign flights into the United States are covered under Part 71, Part 70 only includes interstate flight operations to large and medium sized U.S. airports (as listed in Appendix A at page 71936 of the NPRM). Given that communicable diseases spread irrespective of state and even country boundaries, Qantas queries why the NPRM does not cover all flights, including intrastate flights and flights to small U.S. airports.

Qantas further queries why, in terms of the collection of passenger information, the NPRM extends only to airlines and cruise lines and not other carriers including trains, buses and other ground transport. Particularly as it is feasible that an infected passenger arriving off an international flight could connect straight onto an intrastate flight or join a tour bus operation unknowingly spreading infection and leaving CDC with limited means of tracing passengers on these subsequent carriers.

1.2 Section 70.6 and 70.7 Travel Permits

- 1.2.1 Qantas seeks clarification as to whether the requirements related to Travel Permits under sections 70.6 and 70.7, extend to foreign nationals, (who, as in the example at 1.1.2 above, may have arrived off an international flight with a connection straight onto an intrastate flight or other carrier). If so, Qantas queries how CDC intends to

¹ References in these comments to CDC are intended to refer to CDC and/ or its agents.

inform foreign nationals of the requirement and what the procedure for obtaining a Travel Permit will be.

Qantas further considers that this will be a difficult requirement to enforce and thereby queries its efficacy and seeks detail on the intended means for enforcement.

2. PART 71 – FOREIGN AND POSSESSIONS QUARANTINE

2.1 Section 71.1 Scope and Definition

- 2.1.1 Under section 71.1, the NPRM defines the *United States* as the *States and possessions of the United States*. Qantas queries if this definition includes Guam and if so, whether the scope of the NPRM would extend to an airline, who whilst not operating to Guam, may as a result of an emergency, be required to divert there. Qantas also asks this question generally in relation to diversions to the United States and its possessions.

2.2 Section 71.4 Bills of Health

- 2.2.1 Qantas seeks further clarification on the requirements for a Bill of Health including how much notice a carrier would be given to obtain one.

2.3 Section 71.5 Suspension of Entries and Imports from Designated Places

- 2.3.1 Section 71.5 states that the Director may in certain circumstances prohibit the introduction of persons and property from specified countries or places. Whilst Qantas anticipates that in these instances the impacted countries would be given a sufficient period of notice, Qantas queries if it is possible that an airline already enroute to the United States would be given such an order and be required to divert. If so, Qantas advises that in making such orders, CDC should be aware that if the order is made well into flight time, there may be insufficient fuel for that aircraft to divert elsewhere.

2.4 Section 71.6 Report of Death or Illness on Board Flights

- 2.4.1 In relation to 71.6 (a) Qantas acknowledges the requirement to report any death or ill persons on board but seeks confirmation that if there are no deceased or ill persons on board, crew are not required to submit a report (ie pratique only by exception).
- 2.4.2 Also in relation to 71.6 (a), it should be highlighted that without confirmation by the passenger, it may be extremely difficult for crew to identify all symptoms of an '*ill person*'. In identifying symptoms of an '*ill person*', crew should not be held to the standard of a qualified medical professional, in particular when determining the imposition of a penalty for failure to report an '*ill person*' on board.
- 2.4.3 In relation to 71.6 (b) Qantas notes that the Director may order airlines to disseminate public health notices, recommended public health measures and other information that the Director deems necessary. Qantas queries whether airlines are expected to carry this information on board all flights to the United States in preparation should an order be made, or if airlines are only required to carry this information on flights subsequent to and for the time specified in an order.

Qantas' strong preference is that airlines only be required to carry this information subsequent to an order, as the continual loading of documents is both time consuming, resource intensive, restricts on board space, adds unnecessary weight on the aircraft and presents Occupational Health issues for crew who are already required to lift document satchels weighed down with other required documentation.

- 2.4.4 Also in relation to 71.6 (b), Qantas queries whether in lieu of paper documentation, crew could simply make on board announcements.

2.5 Section 71.6 Written Plan for Reporting of Deaths or Illness on Board Flights and Designation of an Airline Agent

- 2.5.1 Qantas has no issue with the requirements for a written plan as detailed in section 71.6 (a)-(h) and considers the timeframe of 90 days for development and 180 days for implementation of the plan reasonable.
- 2.5.2 In relation to the annual reviews, Qantas seeks further detail on the drills and exercises that would be required.

2.6 Section 71.10 Passenger Information

- 2.6.1 Section 71.10 (a) requires airlines operating international voyages destined for the U.S. to collect specified information from every passenger and crewmember.

As Qantas has stated previously, Qantas offers its full support and cooperation to the United States Authorities in its efforts to respond more effectively to current and potential communicable disease threats. However, Qantas is of the view that these efforts must be reasonable and requirements placed fairly on those whose responsibility it should be for bearing the burden. The health of the American public is a US Government responsibility not an airline responsibility and the burden should be apportioned accordingly.

The information requirements detailed in section 71.10 are onerous on airlines, whose primary function is the transportation of passengers and not data collection on behalf of Governments. Even with the best will in the world, airline reservation and check in systems are simply not set up to cater for significant data input, storage and transmission. Airlines are already stretched to capacity trying to collect and transmit Advanced Passenger Information (API) on behalf of U.S. Customs and Border Protection and the Transportation Security Administration (TSA), not to mention numerous other governments that also require similar passenger information.

To collect this data on behalf of CDC, Qantas would need to build an entirely separate database or significantly enhance its current systems at substantial cost and effort. These costs and effort would likely also need to be duplicated by every other airline that operates into the United States. Thus it is Qantas' view, that it would be more reasonable and effective for CDC to build and manage its own central data system. Airlines could assist by handing out Public Health Passenger Locator Cards, (as recommended by the World Health Organisation (WHO) (see Appendix A)), to all passengers and crew on board, with CDC responsible for collecting the cards on arrival, verifying the legibility and content with the passenger (if required) and entering the data into its own central database. If adequately resourced, this process, including data entry, could be effected in a timely manner (ie hours not days). Such a process would also align with the intended pandemic responses of the WHO and other Governments, thereby facilitating a standardised global response.

- 2.6.2 Section 71.10 (b) states that any information obtained by the airline must be *maintained* for 60 days from the *end of the voyage*. Qantas firstly seeks clarification on what is meant by the term '*maintained*'. Is the airline responsible for simply collecting the data once with no further updates required, or is the airline required to maintain the currency of that data over the 60 days.

Secondly, Qantas seeks clarification on what is meant by the term '*end of the voyage*'. Does this refer to the end of the passenger's voyage as per the passenger's itinerary, (which could be several months later), or the arrival date of the airline's flight into the United States.

- 2.6.3 Section 71.10 (d) requires airlines to transmit specified data in an *electronic format*. Qantas queries what constitutes an acceptable '*electronic format*'. For example, would a facsimile or e-mail satisfy this requirement.

Qantas also queries whether the Director would accept separate transmissions for passengers and crew on a required flight as data for each is generally maintained in separate systems.

- 2.6.4 Section 71.10 (e) lists the data fields airlines would be required to provide to CDC. Qantas wishes to advise that Qantas along with other airlines operating to the United States already transmits a significant amount of this information to CBP and TSA for passengers and crew.

The ability to transmit this data to CBP and TSA necessitated a large-scale project for Qantas that required comprehensive system reprogramming, operational and procedural re-engineering, training, time, resources and costs. Post-implementation, the nature of the requirement has resulted in ongoing operational impacts for Qantas including increased processing time at checkin and the gate (for transfer passengers).

It seems illogical that airlines must now be required to undergo this arduous process again simply to provide the same or similar data to yet another U.S. Government Department. Rather, Qantas urges that CDC obtain this information direct from CBP and TSA with any additional required data being sourced from an on board Public Health Passenger Locator Card.

For reference, the following lists the data Qantas currently provides to CBP and TSA:

(i) *Passengers Arriving Into the U.S.*

Full Name; Date of Birth; Gender; Citizenship; Country of Residence; Status on board the Aircraft; Travel Document Type; Passport Number, Country of Issuance and Expiry; Alien Registration Number (if applicable); Address while in the United States (US citizens, permanent residents and transit passengers excluded); Passenger Name Record Locator (if available); and Flight Information.

(ii) *Passengers Departing From the U.S.*

Full Name; Date of Birth; Gender; Citizenship; Status on board the Aircraft; Travel Document Type; Passport Number, Country of Issuance and Expiry; Alien Registration Number (if applicable); Passenger Name Record Locator (if available); and Flight Information.

(iii) Crew Arriving In, Continuing Within and Overflying the U.S.

Full Name; Date of Birth; Place of Birth (city, state and country); Gender; Citizenship; Address of Permanent Residence (requirement currently suspended); Status on board the Aircraft; Pilot Certificate Number and Country of Issuance; Travel Document Type; Passport Number, Country of Issuance and Expiry; Alien Registration Number (if applicable); Passenger Name Record Locator (if available); and Flight Information.

(iv) Crew Departing From the U.S.

Full Name; Date of Birth; Place of Birth (city, state and country); Gender; Citizenship; Country of Residence; Address of Permanent Residence (requirement currently suspended); Status on board the Aircraft; Pilot Certificate Number and Country of Issuance; Travel Document Type; Passport Number, Country of Issuance and Expiry; Alien Registration Number (if applicable); Passenger Name Record Locator (if available); and Flight Information.

(v) Master Crew List for Crew Arriving In, Departing From, Continuing Within and Overflying the U.S.

Full Name; Date of Birth; Place of Birth (city, state and country); Gender; Citizenship; Country of Residence; Address of Permanent Residence (requirement currently suspended); Status on board the Aircraft; Pilot Certificate Number and Country of Issuance; Passport Document Number, Country of Issuance and Expiry.

- 2.6.5 In relation to the individual data elements listed in Section 71.10 (e), Qantas makes the following additional comments:

General

To improve the willingness of passengers to provide information, to better ensure accuracy of data collected and to limit the impact on those required to collect, store and transmit the data, data requirements should be limited to the minimum essential data necessary for contacting a passenger. Any other additional information CDC may require should be collected direct from the passenger if and when contact is required and initiated.

71.10 (e) 1 Full Name

This data is already provided to CBP and TSA via APIS and should be sourced directly from them.

71.10. (e) 2 Emergency Contact Information

Qantas currently collects Emergency Contact Information for US Citizens on flights to and from the United States. Information collected includes full name and phone number although the passenger may decline to provide this information. The information is only retained during the life of the flight and is not transmitted.

In keeping data collection to a minimum, passengers should only be required to provide the most reliable source of data eg. a phone number or home address but not both.

For crew, Qantas seeks confirmation that it would be acceptable to provide the airline's head office contact information as opposed to individual emergency contact information for each crewmember.

71.10.(e) (3), (4) and (9) *Email, Current Home Address and Phone Number*

As per the comment above, passengers should only be required to provide the most reliable source of data eg. an e-mail or home address or phone number but not required to provide all three.

In relation to address details, Qantas considers that for privacy and security reasons, passengers may have significant concerns in providing their home address to a third party.

71.10 (e) 5 *Passport Number or Travel Document, Including the Issuing Country or Organisation*

This data is already provided to CBP and TSA via APIS and should be sourced directly from them.

71.10 (e) 6 *Name of Travelling Companions or Group*

As the NPRM requires all passengers and crew on an international voyage to provide their information, it seems unnecessary to require passengers to provide information on other passengers on the same flight.

71.10 (e) 7 *Flight Information*

Most of this Flight Information is already provided to CBP and TSA via APIS and should be sourced directly from them.

Seat Number is not provided to CBP and TSA, however as passengers often change seats once on board the aircraft, seat numbers contained in airline departure control systems do not necessarily reflect where passengers actually sit and reliance on this information may complicate rather than assist tracing efforts.

Crew do not generally have assigned seat numbers.

Arrival gate information is generally not available to airlines at Point of Departure (POD).

71.10 (e) 8 *Returning Flight or Returning Ports of Call*

Qantas queries the utility of this data. Whilst some itinerary data may be available to the airline, if a passenger has an open ticket, is using other modes of transport or has booked flights on other carriers, this information would not be available. In addition, the passenger themselves may not even have a planned itinerary as is the case with many backpackers or they may change their itinerary frequently during their travels as business travellers are often known to do.

71.10 (f) *Additional Information*

Qantas requests further examples of the types of additional information airlines could be expected to provide and detail on how they would be expected to provide it, given

that non-standard data elements (eg an airline's food service provider), would not likely be catered for or collected in airline systems.

71.10 (i) *Advice to Passengers*

Section 71.10 (i) requires airlines to inform passengers of the purpose for which the passenger information is collected at the time the passenger arranges their travel. However, depending on how a passenger arranges their travel (ie internet, travel agent or airline direct), the first time the airline may come into contact with the passenger is at airport checkin. In these instances, the airline has no way of knowing when the passenger arranged their travel. The earliest the airline should be required to provide this information is at checkin. The responsibility should also not fall solely on airlines but also on other parties who may collect this information from the passenger, ie. travel agents.

2.7 Section 71.11 Written Plan for Passenger Information and Designation of an Airline or Shipline Agent

2.7.1 Qantas has no issue with the requirements for a written plan as detailed in section 71.11 (a)-(h) and considers the timeframe of 180 days for development reasonable. However depending on the end solution and the extent of system enhancements required, Qantas cannot say at this point in time whether two years for implementation of the plan is sufficient.

2.7.2 In relation to the annual reviews, Qantas seeks further detail on the drills and exercises that would be required.

2.8 Sections 71.12 - 71.14 Inspections, Sanitary Measures and Detention of Carriers

2.8.1 Qantas acknowledges the need for powers related to Inspections, Sanitary Measures and Detention as detailed in sections 71.12, 71.13 and 71.14 of the NPRM but asks that these measures only be implemented where absolutely necessary so as to minimise the operational impact on airlines including, flight delays, missed connections, increased resources and costs.

2.9 Sections 71.17-71.21 Quarantine Requirements

2.9.1 In relation to the provisional quarantine or quarantine of an arriving person or group, Qantas queries what notification would be given to the airline. It is of particular importance to Qantas that it be notified should a crewmember be quarantined, as replacement crew would need to be sourced. It is equally important to Qantas that it be notified if any of its passengers are quarantined because if for example a passenger on a Qantas flight through San Francisco to Vancouver was quarantined in San Francisco, Qantas would need to be notified in order to remove the person's baggage from the aircraft.

2.10 Section 71.31 Penalties

- 2.10.1 Qantas considers the imposition of a criminal penalty to be unduly harsh and is of the opinion that penalties for ensuring compliance should be administrative in nature only.
- 2.10.2 Qantas seeks clarification on the term '*individual*' and whether this term applies only to a passenger or if it also applies to airline personnel.
- 2.10.3 Qantas requests detail on the burden of proof necessary to charge persons and organisations with a violation of this part.

2.11 Section 71.33 Appeals of Actions Required

- 2.11.1 Qantas considers that in some cases, two business days may not be sufficient time to lodge an appeal. Qantas queries whether the Director would have discretion to extend the appeal period on a case by case basis, should the circumstances of the case warrant it.

2.12 Section 71.27 Food, Potable Water and Waste

- 2.12.1 Section 71.27(c) states that aircraft inbound or outbound on an international voyage shall not discharge over the United States any excrement, waste water or other polluting materials. Qantas queries if '*other polluting materials*' includes fuel, as there may be instances when airlines are required to turn back shortly after departure from the United States and need to dump fuel in order to land safely.

3. REGULATORY ANALYSES

In the opening commentary related to Regulatory Analyses at page 71913 of the NPRM, it states that the proposed rule will have a significant impact on the private sector, particularly air carriers but that this impact is more than offset by the benefits of the proposed rule. Whilst Qantas does not refute the fact that the proposed rule could offer significant benefits, it should be recognised that the majority of these benefits accrue to the U.S. economy and its public health and safety. As such, the U.S. Government, and not airlines, should manage the solution and be held accountable for the costs of implementing the proposed rule.

3.1 Section B. The Nature of the Impacts

- 3.1.1 Qantas acknowledges and commends CDC's comments that it will pursue collection of vital data with a commitment to minimise the effect on airline operations and that every effort will be taken to merge data collection efforts with those already undertaken by the airlines for national security and other purposes. It cannot be stressed enough how critical it is to airlines that the Final Rule does not unduly burden airlines and require them to develop yet another data collection and transmission system.
- 3.1.2 Qantas notes CDC's comment that during the course of rule development it will seek comment from airlines and their passengers concerning the most efficient means of data collection. Qantas again commends CDC for ensuring stakeholder input during this process, as often a solution that may be considered feasible by government

cannot easily be transplanted into the unique setting of an airline operation and airline expertise thus becomes essential for ensuring a workable solution.

In terms of the most efficient means of data collection, Qantas view is that data should be collected by means of the WHO recommended Public Health Passenger Locator Card distributed on board and collected by CDC on arrival. The solutions suggested in the NPRM, including collection at Point of Sale (POS) and Point of Departure (POD), are more problematic.

POS is problematic for a number of reasons. Firstly, the NPRM holds airlines and not travel agents or passengers accountable for provision of passenger information. As a result, there is nothing to compel travel agents or passengers to provide this information at POS. There is also no guarantee that the passenger will have all the required information at POS so the ability to collect it at POD will always be required (ie 2 solutions). Even if this information is collected at POS, not all information can currently be transmitted from the agent's system to the airline without significant system enhancements, including message structures that must be agreed to by the industry as a whole and not just an individual airline. Further, this solution would result in the collection and storage of significant amounts of superfluous data for passengers that book and never travel or make multiple bookings and only use one.

POD is also problematic because airline check in systems were never intended to be used for large-scale data collection and storage. In order to collect this data at checkin the current departure control system would need to be significantly enhanced or a separate system built. In either scenario, current check in times would increase significantly resulting in increased airport congestion, increased resource requirements, aircraft delays, passenger dissatisfaction and escalating costs.

A required combination of POD and POS would also necessitate multiple carriers, enhancing multiple systems, with multiple variances in contrast to an on board Public Health Passenger Locator Card that would allow for one simple, standardised solution.

3.2 Section E. Alternatives

- 3.2.1 Section E considers a POS alternative or a POD alternative. However, as mentioned above, Qantas is of the view that to ensure compliance, airlines would need to implement a combination of both POD and POS and costs should therefore be factored accordingly.
- 3.2.2 Section E notes that as some of the required data is already collected by airlines, the compliance costs are simply the incremental costs of collecting, storing and producing the required information on demand in contrast with the no-action base case. However, this is only accurate if airlines are able to use the systems currently used for capturing passenger information. If airlines are required to build separate data collection and storage systems to meet CDC requirements, it may be that airlines can draw no benefit from passenger information collected for other purposes and are required to collect the information again in full. In these instances, costs for collection of all data rather than incremental data only, would need to be considered.
- 3.2.3 Section E also considers three options for the proposed rule including the coverage of international flights (option 1), international flights and domestic flights from large and medium airports (option 2), and all international and domestic flights (option 3). CDC proposes Option 2 for the rulemaking.

As mentioned at 1.1.2 above, given that communicable diseases spread irrespective of state and even country boundaries, Qantas queries why the NPRM does not cover all flights and in addition why, in terms of the collection of passenger information, the

NPRM extends only to airlines and cruise lines and not other carriers including trains, buses and other ground transport.

3.3 Section F Cost Analysis of Proposed Option and Alternatives

Data Collection Costs

- 3.3.1 Under the POS scenario, CDC considers that the only data collection costs to industry would be borne by travel agencies. However what CDC does not consider, is that in many instances the travel agent is the airline, so costs are also borne by airlines in the POS scenario.
- 3.3.2 In determining data collection costs, CDC accounts for incremental data collection. As stated in 3.2.2 above, depending on the solution available to airlines, the cost of full data collection, as opposed to incremental data collection, may need to be considered.
- 3.3.3 CDC provides estimates for information collection time at POS and POD. CDC considers that based on 45 secs for collection of address details, that it would take an extra 45 secs at POS and an additional 90 secs at POD to collect the required data. Qantas considers that CDC has underestimated these times. At POS, travel agents do not tend to collect the passenger's address, emergency contact information (which includes a 2nd address), travel companions or even passport details. Likewise at POD, agents do not collect the passenger's address, emergency contact information, e-mail, phone numbers or travelling companions.

The need to collect two addresses (home and emergency contact) at both POS and POD would already bring the time estimate up to 90 secs, before factoring in the additional data needs and current APIS data requirements (which include a 3rd address, ie. address in the U.S.). In addition, these timings only consider the actual time it takes to enter the data. CDC needs to consider the time involved in advising the passenger of the requirements, soliciting the information from the passenger, including clarifications and spellings, and answering any related questions the passenger may have. It is feasible that these timings could be more than double the estimates.

- 3.3.4 Qantas notes that no costs are included for implementing systems to provide crew data. An assumption is made that one system would be used to collect and provide passenger and crew data, however for most airlines, crew information is stored in a separate system therefore requiring a separate solution for crew. This needs to be costed.
- 3.3.5 Based on these comments, CDC's estimates of incremental costs at POS between \$5.2 million to \$53.7 million and incremental costs at POD between \$65.1 million to \$316.3 million may not be accurate.

Reprogramming Costs

- 3.3.6 Subject to the Final Rule, it is difficult for Qantas to determine what solution it would need to employ and therefore what reprogramming costs it would incur. Therefore, Qantas neither agrees or disagrees with the reprogramming costs estimated by CDC.
- 3.3.7 As well as airlines, CDC considers that GDS operators and travel agents will also incur reprogramming costs. Whilst Qantas does not disagree with this assumption, it is important to note that as all GDS costs are passed back to airlines, GDS costs should be accounted for as airline costs.

Archiving and Other Administrative Costs

- 3.3.8 Under this section, CDC includes costs for the time taken for airlines to provide passenger lists and data for the 10-12 times per month CDC expects to routinely request this information. Qantas requests further clarification regarding this routine collection of data. Is it intended that, regardless of the presence of any communicable disease threat and in addition to any data that may be requested in the presence of a threat, CDC also intend to collect passenger lists off airlines 10 to 12 times per month.
- 3.3.9 As per 3.3.3 above, Qantas considers that CDC has under estimated the time it would take for a passenger to either provide or enter into a website the required data. Again, it is feasible that the estimated time of one minute could more than double.

3.4 Section G Impacts on Industry

- 3.4.1 Qantas submits that the impacts on industry need to be recalculated, taking into consideration that under the NPRM airlines would likely have to implement both a POS and a POD solution and that GDS costs should be accounted for as airline costs.
- 3.4.2 Qantas further queries why the impact on industry is calculated against carrier revenue given that a more accurate reflection of impact could be gauged against a carrier's profit.

3.5 Section H Benefits

- 3.5.1 Qantas acknowledges the benefits of more effective contact tracing but does not necessarily support the solutions or distribution of costs proposed by the NPRM for achieving them. Qantas maintains that as the benefits fall predominantly to the U.S. economy and its public health and safety, the U.S. Government, and not airlines, should manage the solution and be held accountable for the costs of implementing the proposed rule.

4. PRIVACY

Qantas wishes to highlight to CDC the potential for privacy issues in relation to the collection and storage of foreign passenger and crew information. Qantas seeks confirmation that prior to issuing a Final Rule, CDC will discuss and resolve any potential privacy issues with relevant Governments.

5. CONCLUDING REMARKS

Thank you for the opportunity to comment on this Proposed Rule. As stated, if airlines are required to collect and transmit passenger and crew information in an electronic format, it will require significant resources, time, system changes, operational impacts and costs and at a time when the industry is already suffering the burden of numerous other government imposed requirements.

Qantas considers that CDC's objectives would be better met by requiring airlines to hand out Public Health Passenger Locator Cards on board with CDC then responsible for collecting the cards on arrival, verifying the legibility and content of the card with the passenger (if required) and entering the data into a central database. This solution also aligns with the intended

pandemic responses of the WHO and other Governments, thereby facilitating a standardised global response.

Qantas trusts that in progressing this matter forward, CDC will consider these comments for inclusion in the Final Rule. In the interim, should CDC have any queries please do not hesitate to contact either of the Qantas contacts listed below:

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Yours sincerely

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